UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAIGUT S.A. de CV; SAIPEM S.A., Plaintiffs, vs. SEMPRA ENERGY, et al., Defendant.	CASE NO. 08cv0478 JM(BLM) ORDER TO SHOW CAUSE WHY COMPLAINT SHOULD NOT BE DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION

On its own motion, the court issues this order to Plaintiffs to show cause why the action should not be dismissed for lack of subject matter jurisdiction. Federal courts are courts of limited jurisdiction. "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94 (1998) (quoting Ex parte McCardle, 74 U.S. (7 Wall.) 506, 514, 19 L.Ed. 264 (1868)). Accordingly, federal courts are under a continuing duty to confirm their jurisdictional power and are even "obliged to inquire sua sponte whenever a doubt arises as to [its] existence. . . ." Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 278 (1977) (citations omitted).

Plaintiffs commenced this action alleging diversity jurisdiction pursuant to 28 U.S.C. §1332(a)(2) (diversity jurisdiction exists between "citizens of a State and citizens or subjects of a foreign state). The court is concerned that it lacks subject matter jurisdiction because, as alleged, this is an action between citizens of a foreign state and citizens of other foreign states and United States citizens. See Craig v. Atlantic Richfield Co., 19 F.3d 472, 476 (9th Cir. 1994) (court lacks diversity jurisdiction between foreign plaintiff and foreign and domestic defendants).

The court requests that Plaintiffs, as the parties who have the burden to establish diversity jurisdiction, see McCauley v. Ford Motor Co., 264 F.3d 952, 957 (9th Cir. 2001), submit responsive briefing to this Order to Show Cause. Plaintiffs shall file and serve the supplemental briefing by April 23, 2008. Defendants may file and serve a response by May 2, 2008. At that time, unless otherwise contacted by chamber's staff, the matter will be taken under submission pursuant to Local Rule 7.1(d)(1).

IT IS SO ORDERED.

DATED: April 9, 2008

Hon. Jeffrey T. Miller
United States District Judge

cc: All parties
Magistrate Judge Major